

1983 Form

In the United States District Court
For the ~~Middle~~ District of Alabama

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DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Roy Lee McAtter 147346

2:07 CV 692 - WKW

(Enter above the full name(s) of the
plaintiff(s) in this action)

v
Al. Governor Bob Riley:
Al. Attorney General Troy King:
The Alabama Dept. of Public
Safety et al.

(Enter above full name(s) of the
defendant(s) in this action)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (☒)
- B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiff(s): _____

Defendant(s) _____

2. Court (if Federal Court, name the district; if State Court, name the county)

3. Docket Number _____

4. Name of judge to whom case was assigned _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit

7. Approximate date of disposition

II. Place of present confinement Bibb County Correc Facility Brent, Alabama

A. Is there a prisoner grievance procedure in this institution?

Yes () No (4)

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes () No (4)

C. If your answer is YES:

1. What steps did you take? N/A

2. What was the result? N/A

D. If your answer is NO, explain why not? N/A

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) Roy Lee McAttee

Address Bibb County Correc Facility, 565 Bibb Lns, Brent, Ala... 35034

In item B. below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

- B. Defendant Bob Riley
 is employed as Governor
 at State of Alabama 600 Dexter Ave. Montg. Ala. 36130
- C. Additional Defendants Troy King, Attorney General State of Ala.
303 State House 11 So. Union St. Montg. Al. 36130
Alabama Dept. of Public Safety - 301 So. Risky St.
P.O. Box 1511 Montg. Al. 36130

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet, if necessary.

This is a Civil Rights action challenging the Constitutionality of the Alabama Community Notification Act (Hereafter CNA).

Background

I was convicted in 1988 of a sex offense in Tuscaloosa County Al. My sentence was 15 yrs. split 18 months to serve. In 1996 on thereafter the Alabama legislature enacted CNA. This enactment and the subsequent enforcement of it, and application to myself of the laws related to this act, and the penalties attached to this act, encroach upon my constitutional rights in the following ways:

1. CNA violates the Bill of Attinder Clause. CNA's penalties are impossibly harsh, and they are applied without restraint or ~~except~~ escapability. Pains and penalties. Vindictiveness.

2. CNA violates The Ex Post Facto Clause. The State of Alabama and myself made an agreement in 1988. I would plead guilty to a specific crime for a specific punishment. CNA and the laws attached to it have increased my punishment beyond that specified at my sentencing.

3. CNA Violates The Double Jeopardy Clause. At the
(Additional Grants see attached)

V. RELIEF

State briefly *exactly* what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I am asking the court to make the ~~final~~ determination that serious questions of Constitutional law are at issue and to grant me immediate injunctive relief until such time as this action is processed through the Courts. Such relief to entail enjoining the defendants herein named from applying sex offender registry requirements to myself, enjoining defendants from publicly disseminating information about my background, my living arrangements.
(Additional Relief see attached)

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7-18-07
(date)

Roy McAtroom

Signature(s)

Grounds Continued

moment of CNA's enactment and application to myself, CNA effectively subjected me to a subsequent conviction for a crime for which I had already been sentenced. It did this by increasing the punishment.

4. CNA is a violation of The Due Process Clauses of the U.S. Constitution. The absence of any kind of hearing in which a person convicted of a sex offense in the State of Alabama can challenge his/her inclusion in a state run registry intended for dissemination to the public, details of such person's private residence, place of employment, background, etc. — People subjected to CNA mandates suffer serious losses of fundamental Constitutional Rights, i.e. life, liberty, and the pursuit of happiness. To subject a person (myself) to the loss of these rights without an opportunity to defend (myself) themselves renders CNA of Alabama Constitutionally infirm.

Relief Continued

or places of employment. Enjoining defendants from placing restrictions on where I may live or requiring that I give prior notice when establishing residence. In short I am asking the Court to determine that this action has merit and to grant any and all relief that may be just and proper under the premises.

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